

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 357

Introduced by Hadley, 37.

Read first time January 16, 2009

Committee: Revenue

A BILL

1 FOR AN ACT relating to cigarette tax; to amend section 77-2608,
2 Reissue Revised Statutes of Nebraska; to change the
3 commission allowed to wholesale dealers; to provide an
4 operative date; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 77-2608, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 77-2608 The Tax Commissioner shall prepare and have
4 suitable stamps for use on each kind of piece or package
5 of cigarettes, except when cigarette tax meter impressions are
6 affixed. Requisition for the preparation of such stamps shall
7 be made through the materiel division of the Department of
8 Administrative Services as other state supplies are requisitioned,
9 and the Tax Commissioner and his or her bondsperson shall be liable
10 for the value of all such stamps delivered to him or her. The
11 Auditor of Public Accounts shall audit annually or as often as
12 the auditor deems advisable the records of the Tax Commissioner
13 with respect to the money received from the sale of stamps and as
14 revenue from tax meter impressions for the purpose of determining
15 the accuracy and correctness of the same. The Tax Commissioner
16 shall sell the stamps only to licensed wholesale dealers, as
17 defined in section 77-2601, and he or she shall keep an accurate
18 record of all stamps coming into and leaving his or her hands. Such
19 stamps shall be sold and accounted for at the face value thereof,
20 except that the Tax Commissioner may, by rule and regulation
21 certified to the State Treasurer, authorize the sale thereof to
22 wholesale dealers in this state or outside of this state at a
23 discount of ~~one and eighty-five hundredths~~ three percent of such
24 face value of the tax as a commission for affixing and canceling
25 such stamps. 7 ~~except that for stamps sold beginning October 1,~~

1 ~~2002, through September 30, 2004, the authorized commission for~~
2 ~~affixing and canceling such stamps shall be one and seven-tenths~~
3 ~~percent of the face value of the tax.~~ Any wholesale dealer using
4 a tax meter machine shall be entitled to the same discount as
5 allowed a wholesale dealer for affixing and canceling the stamps.
6 The money received by the Tax Commissioner from the sale of the
7 stamps and as revenue from such tax meter impressions shall be
8 deposited by him or her daily with the State Treasurer who shall
9 credit such money as provided in section 77-2602. Upon proof by
10 the Tax Commissioner that he or she can affix such stamps or meter
11 impressions, warehouse and distribute such cigarettes, and collect
12 such revenue at a cost less than any discount allowed to wholesale
13 dealers pursuant to this section, he or she may then proceed to
14 affix the stamps himself or herself after giving the wholesale
15 dealers sixty days' notice and purchasing all equipment used by
16 them for the purpose of affixing such stamps or meter impressions
17 at a fair market value.

18 Sec. 2. This act becomes operative on October 1, 2009.

19 Sec. 3. Original section 77-2608, Reissue Revised
20 Statutes of Nebraska, is repealed.